

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRL. MISC. No.M-13801 OF 2017
DATE OF DECISION : 8 SEPTEMBER, 2017

Devender

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Vikas Bali, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

Ms. Anita Balyan, Advocate for the complainant.

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A. B. CHAUDHARI, J.

The petitioner has filed this petition under Section 438 Cr.P.C. seeking regular bail in FIR No.37 dated 16.01.2017 registered under Sections 307, 34, 452, 406 IPC and 25 of Arms Act at Police Station Sadar, District Bahadurgarh.

Heard learned counsel for the rival parties.

This Court had issued interim order dated 24.04.2017 with the following reasons:

“Learned counsel for the petitioner submits that in fact the father of the petitioner was killed at the hands of those on the side of the complainant in the FIR lodged against the petitioner.

A perusal of both the FIRs, i.e. the one lodged against the petitioner and the one lodged against those who had allegedly killed the petitioner's father, show that in the FIR in respect of the death of the father of the petitioner, the petitioner mother is the complainant, who stated that her husband had brought out a weapon and had started firing towards the party that had attacked him.

Without making any comment at this stage, let notice be issued to the respondent, returnable on 01.05.2017.

In the meanwhile, upon the petitioner joining investigation, in case of his arrest, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by all the conditions as stipulated in Section 438 (2) Cr.P.C.”

Apropos the above order the counsel for the State as well as the counsel for the complainant, with reference to the post-mortem report in respect of the father of the petitioner, have submitted that the cause of death was natural death and there is no injury found anywhere which can be attributed to alleged murder.

In that view of the matter, the petitioner's allegations about murder of his father, prima facie, are not found to be true.

Now coming to the FIR in question, following are the allegations:

“That at 3.25 PM, when we were standing on the inner side of the gate of our house talking to each other then Bhagwan Singh and his son Devinder came entered in our house and Bhagwan Singh raised lalkara that let all these be eliminated and no one will remain alive and in the meantime Devinder S/o Bhagwan Singh took out his revolver with the intention to kill started shooting me and my brother Surinder out of which one shot hit me on my right side at my waist and two bullets hits my brother one on front side of right shoulder and 2nd one on the upper side of right waist, after this because of the sound of firing many people gather there and upon seeing them they ran away with their weapons.”

It is clear from the above allegations that the petitioner had gone on firing spree and one shot hit the complainant near his waist and his brother was also injured.

The State counsel has shown report from the Forensic Science Laboratory, Haryana, Madhuban, Karnal, which corroborates the prosecution version as against the petitioner.

There is thus prima facie case made out against the petitioner. The petitioner had injured two persons by firing and as such he is not entitled to grant of anticipatory bail.

In that view of the matter, the petition for anticipatory bail stands dismissed.

8 SEPTEMBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>